

HIGH COURT OF TRIPURA
AGARTALA
MFA(FA) NO.01 OF 2025

1. Tripura State Electricity Corporation Ltd, Office situated at Bidyut Bhaban, Bhuturia, Banamalipur.

2. The Senior Manager, Tripura State Electricity Corporation Office at Amtali Electrical Sub Division, District: West Tripura.

Both represented by its Company Secretary being Nodal Officer (Legal) and being authorised by way of Board Directors Resolution dated of 27.02.2024.

.....Appellants

VERSUS

Sri Swapan Muhuri, Son of Late Birendra Kumar Muhuri, R/O Village-Suryamani Nagar, Bagmara Collony, P.O. Suryamani Nagar, PS Amtali, District: West Tripura.

.....Respondent

Present:

For the Appellant(s) : Mr. B.N. Majumder, Sr. Advocate.
Mr. K. Deb, Advocate.
Mr. D.J. Saha, Advocate.
Mr. B. Paul, Advocate.

For the Respondent(s) : Mr. S. Lodh, Advocate.
Mr. S. Paul, Advocate.
Mr. K. Roy, Advocate.
Mr. S. Majumder, Advocate.

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD

31.10.2025

Order

1. This present appeal has been filed against the Judgment and Decree dated 04.12.2023 and 11.12.2023 respectively, passed in connection with M.S. 03 of 2019 by the Learned Civil Judge (Senior Division), Court No.1, West Tripura.

2. The brief facts of the case are that the respondent herein filed a Money Suit before the Learned Civil Judge (Senior Division), Court No.1, Agartala, West Tripura, seeking compensation under the Fatal Accidents Act, along with interest, as damages and for mental agony and pain, on account of injuries in the nature of permanent disablement sustained by the respondent due to amputation of both hands caused by electrocution from a live wire installed by the appellants, which was touching the roof of the respondent's house. Being dissatisfied with the Judgment and Decree dated 04.12.2023 and 11.12.2023 respectively, passed in M.S. 03 of 2019 by the Learned Civil Judge (Senior Division), Court No.1, West Tripura, Agartala, the appellants herein preferred this present appeal.

3. Heard the learned counsel appearing for the parties.

4. Mr. K. Deb, learned counsel appearing for the appellant-department, submits that the claimant was maintaining a pigeon cage on his terrace near the live wire, and due to his own negligence, he came into contact with the said live wire. Therefore, the damage caused cannot be made the responsibility of the respondent—Electricity Department.

5. Heard on merit. The only submission which the Electricity Department—appellant is emphasizing is that the claimant was maintaining a pigeon cage on his terrace near the live wire and, due to his negligence, came into contact with it, and hence the damage cannot be attributed to the department. After hearing both sides and perusing the records, it appears that there is no specific submission or documentary evidence showing that the Electricity Department maintained the required safe distance as per the electricity regulations. In the absence of such evidence, it is reasonably construed that the Electricity Department cannot be exempted from liability.

6. Accordingly, the impugned Judgment and Decree passed by the Court below are hereby confirmed, as the same require no interference. The appeal is, therefore, dismissed.

7. As a sequel, the stay order, if any, stands vacated.
Pending application(s), if any, also stand closed.

DR. T. AMARNATH GOUD, J

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